

USSN 09/677,060  
Page 8 of 14

### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed August 23, 2005. In the Office Action, the Examiner notes that claims 1-39 are pending of which claims 1-8, 11-19, 22-29, 32, and 35-39 are rejected and claims 9, 10, 20, 21, 30, 31, 33 and 34 are objected to. By this response, claim 32-34 are amended.

In view of the both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendment.

### **OBJECTIONS**

In the Office Action Summary, the Examiner has indicated that claims 9-10, 20-21, 30-31, and 33-34 are objected to; however, the Examiner does not indicate the reason for the objections in the Detailed Action portion of the Office Action. As such, Applicants are unable to address Examiner's reasons for objecting to the identified claims. The Applicants respectfully request that the Examiner indicate the reason for the objections in the next action.

### **REJECTIONS**

#### **35 U.S.C. §103**

#### **Claims 1-8, 11-19, 22-29, and 35-39**

The Examiner has rejected claims 1-8, 11-19, 2-29, 32, and 35-39 under 35 U.S.C. §103(a) as being unpatentable over Maggenti (U.S. Patent No. 6,477,150, hereinafter "Maggenti"). Applicants respectfully traverse the rejection.

391072-1

USSN 09/677,060  
Page 9 of 14

In general, Maggenti teaches a system and method for providing group communication services in an existing communication system. As taught in Maggenti, the group communications are enabled by installing a communications manager in a data network. The communications manager enables communications from any group member to every other group member. The communications processed by the communications manager take the form of data packets suitable for transmission over a data network. The communication devices exchange media signaling (i.e., signaling data) and media traffic (e.g., media data). (Maggenti, Abstract).

Maggenti, however, fails to teach each and every element of Applicant's invention of at least claim 1. Namely, Maggenti fails to teach or suggest at least the limitation of "transmitting from the subscriber device said signaling data via a first network and said voice data via a second network, wherein the first network is different from the second network," as taught in Applicants' invention of at least claim 1. Specifically, Applicants' claim 1 positively recites:

"A method of transporting bifurcated voice and signaling data over a network, comprising the steps of:  
identifying at a subscriber device, for each communication link to be established, respective signaling data and voice data; and  
transmitting from the subscriber device said signaling data via a first network and said voice data via a second network, wherein the first network is different from the second network."  
(Emphasis added.)

As such, Applicants' invention teaches identifying, at a subscriber device, for each communication link to be established, respective signaling data and voice data. The Applicants' invention further teaches transmitting, from the subscriber device, the signaling data via a first network and the voice data via a second network. The first network is different from the second network. As such, the signaling data and voice data are transmitted from the subscriber device via different networks.

By contrast, Maggenti teaches that each of the communication devices (CDs) is only connected to one network. Specifically, as taught in Maggenti (and specifically shown in FIG. 2 of Maggenti), CDs 202, 204, and 206 are each only connected to one network (i.e., the base stations 216), CD 208 is only connected to one network (i.e., PSTN 222), and CD 210 is only connected to one network (i.e., satellite gateway 212).

391072-1

USSN 09/677,060

Page 10 of 14

As such, CDs 202, 204, and 206 must each transmit signaling data and media data using one network (i.e., the base stations 216), CD 208 must transmit signaling data and media data using one network (i.e., PSTN 222), and CD 210 must transmit signaling data and media data using one network (i.e., satellite gateway 212). In other words, since Maggenti teaches that each CD is only connected to one network, Maggenti teaches that signaling data and media data are both transmitted from each CD using one network. The transmission of signaling data and media data from a communication device via one network, as taught in Maggenti, is simply not transmission, from the subscriber device, of signaling data via a first network and voice data via a second network where the first network is different from the second network, as taught in Applicants' invention of at least claim 1.

Furthermore, in the Office Action, Examiner cites FIG. 3 of Maggenti for teaching Applicants' invention of at least claim 1. FIG. 3 of Maggenti, however, merely teaches that CD 202 transmits NBS media signaling (i.e., signaling data) and media traffic (i.e., media data) to communication manager (CM) 218 using a single network. The CM 218 then distributes both the NBS media signaling and media traffic to CD 208 using a single network. Similarly, CM 218 then distributes both the NBS media signaling and media traffic to CD 210 using a single network. The transmission of signaling data and media data from a communication device via one network, as taught in Maggenti, is simply not transmission, from the subscriber device, of signaling data via a first network and voice data via a second network where the first network is different from the second network, as taught in Applicants' invention of at least claim 1.

Moreover, Applicants believe that FIG. 3 of Maggenti may be misleading. As depicted in FIG. 3 of Maggenti, one of the lines to the right of CM 218 represents signaling data and the other line to the right of CM 218 represents media data. Specifically, between CM 218 and CD 208 the top line corresponds to media traffic and the bottom line corresponds to media signaling traffic. Furthermore, due to the manner in which the lines cross each other at CM 218, between CM 218 and CD 210, the top line still corresponds to media traffic and the bottom line still corresponds to media signaling traffic. As such, CM 218 and CD 208 exchange both media signaling and media traffic

391072-1

USSN 09/677,060  
Page 11 of 14

via one network. Similarly, CM 218 and CD 210 exchange both media signaling and media traffic via one network. The transmission of signaling data and media data from a communication device via one network, as taught in Maggenti, is simply not transmission, from the subscriber device, of signaling data via a first network and voice data via a second network where the first network is different from the second network, as taught in Applicants' invention of at least claim 1.

In each of the arguments set forth by the Examiner, The Examiner relies on two separate communication devices for teaching the first network and second network of Applicants' invention of at least claim 1. In particular, the Examiner cites one CD of Maggenti for teaching the first network and another CD of Meggenti for teaching the second network. This arrangement cited by the Examiner is completely different from Applicants' invention of at least claim 1. Applicants' invention of at least claim 1 teaches identifying at a subscriber device, for each communication link to be established, respective signaling data and voice data, and transmitting from the subscriber device signaling data via a first network and said voice data via a second network, wherein the first network is different from the second network. As such, Maggenti fails to teach or suggest Applicants' invention, as a whole.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Maggenti reference fails to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, independent claims 11, 23, and 35 recite features similar to the features of claim 1. As such, for at least the same reasons as discussed herein with respect to claim 1,

391072-1

USSN 09/677,060

Page 12 of 14

Applicants submit that independent claims 11, 23, and 35 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

As such, Applicants submit that independent claims 1, 11, 23, and 35 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2-8, 12-19, 22, 24-29, and 36-39 depend, either directly or indirectly, from independent claims 1, 11, 23, and 35 and recite additional limitations therefor. As such, and for at least the same reasons as discussed above, Applicants submit that these dependent claims also are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### Claim 32

The Examiner has rejected claim 32 under 35 U.S.C. §103(a) as being unpatentable over Maggenti (U.S. Patent No. 6,477,150, hereinafter "Maggenti"). Applicants respectfully traverse the rejection.

As described herein, Maggenti generally teaches a system and method for providing group communication services in an existing communication system. Maggenti, however, fails to teach or suggest each and every limitation of Applicants' invention of at least claim 32. Namely, Maggenti fails to teach or suggest at least the limitation of "wherein said subscriber device comprises a Media Terminal Adapter (MTA) portion and a Cellular Transceiver (CT) portion," as taught in Applicants' invention of at least claim 1. Specifically, Applicants' claim 32 positively recites:

"A communications system, comprising:  
a subscriber device for providing bifurcated voice and signaling traffic over a network, wherein said subscriber device comprises a Media Terminal Adapter (MTA) portion and a Cellular Transceiver (CT) portion; and  
means for converting data packets to circuit switched traffic and vice versa  
(Emphasis added.)

Maggenti is completely devoid of any teaching or suggestion of a hybrid subscriber device including both a Media Terminal Adapter (MTA) portion and a Cellular Transceiver (CT) portion. Maggenti merely teaches that the communication devices are capable of generating data packets suitable for transmission over a data network such

391072-1

USSN 09/677,060

Page 13 of 14

as the Internet. Furthermore, Maggenti merely teaches that the communication devices 202, 204, 206, and 210 may communicate wirelessly and that the communication device 208 may communicate via a PSTN 222. Maggenti, however, is completely devoid of any teaching or suggestion of a subscriber device including both MTA and CT portions. As such, Maggenti fails to teach or suggest Applicants' invention of at least claim 32, as a whole.

As such, Applicants submit that independent claim 32 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

391072-1

USSN 09/677,060

Page 14 of 14

**CONCLUSION**

Thus, Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Michael Bentley at (732) 383-1434 or Mr. Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

11/9/05

E J Wall

Eamon J. Wall, Attorney  
Reg. No. 39,414  
(732) 530-9404

Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue, 1st Floor  
Shrewsbury, New Jersey 07702

391072-1